महाराष्ट्र राज्य नाविन्यपूर्ण स्टार्टअप धोरण, २०१८ च्या अनुषंगाने बौद्धिक मालमत्येच्या हक्काविषयी (Intellectual Property Rights) अर्थ सहाय्य करण्यासंदर्भातील मार्गदर्शक तत्वे

महाराष्ट्र शासन
कौशल्य विकास व उद्योजकता विभाग,
शासन निर्णय क्रमांक: कौविउ-२०१९/प्र.क्र.७७/अभियान-१
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय,मुंबई- ४०००३२,
दिनांक : १८ सप्टेंबर, २०१९.

प्रस्तावना :

राज्याच्या औद्योगिक तसेच आर्थिक विकासास चालना देण्यासाठी आणि देशातील बेरोजगारीच्या समस्येवर उपाययोजना करण्यासाठी नाविन्यपूर्ण संकल्पांवर आधारीत उद्योगांना प्रोत्साहन देण्याकरिता विभागाच्या दिनांक ०५ / ०२ / २०१८ रोजीच्या शासन निर्णयान्वये " महाराष्ट्र राज्य नाविन्यपूर्ण स्टार्ट-अप धोरण, २०१८ (Maharashtra State Innovative Start-up Policy, २०१८)" ला मान्यता देण्यात आली आहे. सदर धोरणाच्या अनुषंगाने स्टार्टअप्सला त्यांच्या बौद्धिक मालमत्ता हक्क (Intellectual Property Rights) नोंदण्याकरिता आर्थिक सहाय्य करण्यासंदर्भात मार्गदर्शक सूचना निर्गमित करण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :

१. राज्याच्या औद्योगिक तसेच आर्थिक विकासास चालना देण्यासाठी आणि देशातील बेरोजगारीच्या समस्येवर उपाययोजना करण्यासाठी नाविन्यपूर्ण संकल्पांवर आधारीत उद्योगांना प्रोत्साहन देण्याकरिता “महाराष्ट्र राज्य नाविन्यपूर्ण स्टार्ट-अप धोरण, २०१८ (Maharashtra State Innovative Start - up Policy, २०१८)” मंजूर करण्यात आले आहे . सदर धोरणाच्या अनुषंगाने स्टार्टअप्सना बौद्धिक मालमत्ता हक्क (Intellectual Property Rights) या बाबत पुरेसे ज्ञान व त्यासाठी लागणारा आर्थिक खर्च याकरिता सहाय्य आवश्यक असते. तसेच त्यांनी केलेल्या नाविन्यपूर्ण संकल्पनेचे बौद्धिक मालमत्ता हक्क सुरक्षित ठेवणे महत्वाचे आहे. या अनुषंगाने स्टार्टअप्सला बौद्धिक मालमत्ता हक्क (Intellectual Property Rights) अर्थ सहाय्य करण्यासाठी परिशिष्ट अ मधील मार्गदर्शक सूचनांना मान्यता देण्यात येत आहे.

२. सदर मार्गदर्शक सूचनांच्या अनुषंगाने बौद्धिक मालमत्ता हक्क (Intellectual Property Rights) यासाठी अर्थ सहाय्य करण्यासाठी पुढील आवश्यक ती कार्यवाही महाराष्ट्र राज्य नाविन्यता सोसायटीने तात्काळ करावी.

३. सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१९०९१८१५११२३९८०३ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

Santosh Vithal Rokade

Digitally signed by Santosh Vithal Rokade
DN: c=IN, o=Government Of Maharashtra, ou=Skill Development Development, postalCode=400032, st=Maharashtra, 2.5.4.20=ca5751ffedbb005fdff34ab6ac1f8319d061483d7d35e20f744e251360f7920a, serialNumber=ecf4a9abe84c70de989c3669424c12b6cadcb583d500fe489ce8727916e0bbee, cn=Santosh Vithal Rokade
Date: 2019.09.19 17:45:22 +05'30'

(संतोष वि.रोकडे)
अवर सचिव, महाराष्ट्र शासन

प्रत,

१. मा. राज्यपालांचे सचिव, राजभवन, मलबार हिल, मुंबई,
२. मा. मुख्यमंत्री यांचे प्रधान सचिव, मंत्रालय, मुंबई,
३. मा. मंत्री, कौशल्य विकास व उद्योजकता यांचे खाजगी सचिव, मंत्रालय, मुंबई,
४. मा. राज्यमंत्री, कौशल्य विकास व उद्योजकता यांचे खाजगी सचिव, मंत्रालय, मुंबई,
५. मा. विरोधी पक्षनेता, विधानपरिषद / विधानसभा यांचे खाजगी सचिव, महाराष्ट्र विधानमंडळ सचिवालय,मुंबई,
६. सर्व विधानपरिषद / विधानसभा सदस्य, महाराष्ट्र विधानमंडळ, मुंबई,
७. मा . मुख्य सचिव, महाराष्ट्र शासन, मंत्रालय, मुंबई ,
८. डॉ . रघुनाथ माशेलकर, वरिष्ठ शास्त्रज्ञ, CSIR, नॅशनल केमिकल लॅबोरेटरी, पाषाण रोड, पुणे - ४११००८
९. श्री . रतन टाटा, अध्यक्ष, टाटा ट्रस्ट, मुंबई,
१०. श्रीमती किरण मुजुमदार - शॉ, अध्यक्ष तथा व्यवस्थापकीय संचालक, बायोकॉन लिमिटेड, बंगळुरू, कर्नाटक,
११. प्रधान सचिव / सचिव, विज्ञान व तंत्रज्ञान विभाग, भारत सरकार,
१२. अतिरिक्त मुख्य सचिव / प्रधान सचिव / सचिव, वित्त विभाग, मंत्रालय, मुंबई,
१३. अतिरिक्त मुख्य सचिव / प्रधान सचिव / सचिव, नियोजन विभाग , मंत्रालय, मुंबई,
१४. अतिरिक्त मुख्य सचिव / प्रधान सचिव / सचिव, कृषी विभाग, मंत्रालय, मुंबई,
१५. अतिरिक्त मुख्य सचिव / प्रधान सचिव / सचिव, उद्योग विभाग, मंत्रालय, मुंबई,
१६. अतिरिक्त मुख्य सचिव / प्रधान सचिव / सचिव, ग्रामिण विकास विभाग, मंत्रालय, मुंबई,
१७. अतिरिक्त मुख्य सचिव / प्रधान सचिव / सचिव, नगर विकास विभाग, मंत्रालय, मुंबई,
१८. अतिरिक्त मुख्य सचिव / प्रधान सचिव / सचिव, सार्वजनिक आरोग्य विभाग, मंत्रालय, मुंबई,
१९. अतिरिक्त मुख्य सचिव / प्रधान सचिव / सचिव, उच्च व तंत्र शिक्षण विभाग, मंत्रालय, मुंबई,
२०. अतिरिक्त मुख्य सचिव / प्रधान सचिव / सचिव, माहिती तंत्रज्ञान संचालनालय, मंत्रालय, मुंबई,
२१. सचिव, कौशल्य विकास व उद्योजकता विभाग, मंत्रालय, मुंबई,
२२. आयुक्त, कौशल्य विकास, रोजगार व उद्योजकता संचालनालय, कोकण भवन, सी.बी.डी. बेलापूर, नवी मुंबई,

२३. आयुक्त, कौशल्य विकास, रोजगार व उद्योजकता तथा सदस्य सचिव, महाराष्ट्र राज्य नाविन्यता सोसायटी, मुंबई.
२४. मुख्य कार्यकारी अधिकारी, महाराष्ट्र राज्य कौशल्य विकास सोसायटी, मुंबई,
२५. सदस्य सचिव, राजीव गांधी सायन्स ॲण्ड टेक्नॉलॉजी कमिशन, मुंबई,
२६. कुलगुरु, मुंबई विद्यापीठ, मुंबई,
२७. कुलगुरु, डॉ. पंजाबराव देशमुख कृषि विद्यापीठ, अकोला,
२८. कुलगुरु, महाराष्ट्र पशु आणि मत्स्यविज्ञान विद्यापीठ, नागपूर,
२९. कुलगुरु, महाराष्ट्र आरोग्य विज्ञान विद्यापीठ, नाशिक,
३०. कुलगुरु, इन्स्टिट्यूट ऑफ केमिकल टेक्नॉलॉजी (ICT), मुंबई,
३१. अध्यक्ष, इंडियन मर्चटस् चेंबर, मुंबई ,
३२. अध्यक्ष, कॉन्फिडरेशन ऑफ इंडियन इंडस्ट्री, मुंबई,
३३. संचालक, इंडियन इन्स्टिट्यूट ऑफ सायन्स एज्युकेशन ॲण्ड रिसर्च (IISER), पुणे,
३४. संचालक, इंडियन इन्स्टिट्यूट ऑफ टेक्नॉलॉजी (IIT), मुंबई,
३५. संचालक, विश्वेश्वरय्या नॅशनल इन्स्टिट्यूट ऑफ टेक्नॉलॉजी (VNIT), नागपूर,
३६. संचालक, इंडियन इन्स्टिट्यूट ऑफ मॅनेजमेंट (IIM), नागपूर,
३७. संचालक, महाराष्ट्र हायब्रिड सिड्स कंपनी लिमिटेड (MAHYCO), जालना,
३८. श्री . दिनेश बाबुराव सूर्यवंशी, सहाय्यक प्राध्यापक, श्रीमती नरसम्मा हिरय्या एज्युकेशन ट्रस्टचे आर्टस, कॉमर्स व सायन्स महाविद्यालय, किरण नगर, अमरावती,
३९. महालेखापाल (लेखा व अनुज्ञेयता - १), महाराष्ट्र, मुंबई,
४०. महालेखापाल (लेखा व अनुज्ञेयता - २), महाराष्ट्र, नागपूर,
४१. महालेखापाल (लेखा परीक्षा - १), महाराष्ट्र, मुंबई,
४२. महालेखापाल (लेखा परीक्षा - २), महाराष्ट्र, नागपूर,
४३. अधिदान व लेखा अधिकारी, मुंबई,
४४. निवासी लेखा परीक्षा अधिकारी, मुंबई,
४५. सर्व जिल्हा कोषागार अधिकारी,
४६. सर्व विभागीय आयुक्त,
४७. सर्व जिल्हाधिकारी,
४८. सर्व मुख्य कार्यकारी अधिकारी,
४९. संचालक, व्यवसाय शिक्षण व प्रशिक्षण संचालनालय, महाराष्ट्र राज्य, मुंबई,
५०. सहसंचालक, व्यवसाय शिक्षण व प्रशिक्षण, प्रादेशिक कार्यालय, मुंबई/ पुणे/ नाशिक/ औरंगाबाद/ अमरावती/नागपूर,
५१. उपसंचालक, विभागीय मुख्यालय, कौशल्य विकास, रोजगार व उद्योजकता, मुंबई/ पुणे/ नाशिक/ औरंगाबाद/अमरावती/नागपुर,
५२. निवड नस्ती

Guidelines:
To Support Startups for Intellectual Property Rights

MAHARASHTRA STATE INNOVATIVE STARTUP POLICY 2018

Maharashtra State Innovation Society (MSInS)
GOVERNMENT OF MAHARASHTRA | WWW.MSINS.IN

1. BACKGROUND

1.1. On January 17, 2018, the **Government of Maharashtra** approved the **Maharashtra State Innovative Startup Policy 2018 (शासन निर्णय क्र.कौविउ-२०१७/प्र.क्र.२४३/अभियान-१, दि.०५/०२/२०१८)** with the vision of transforming Maharashtra by catalysing the growth of an innovation-driven entrepreneurial ecosystem to achieve wholesome and inclusive socioeconomic development.

1.2. Startups generally have people with very limited or no prior knowledge about Intellectual Property Rights (IPR).

1.3. To sustain in this competitive world, it is essential that they protect their proprietary technology.

1.4. The **Maharashtra State Innovation Society (MSInS)** proposes to establish Intellectual Property Rights support to startup across the state as per the following guidelines.

2. OBJECTIVES

2.1. The scheme aims to promote awareness and adoption of Intellectual Property Rights amongst Startups and to support the cost of IPR.

2.2. Scheme is inclined to nurture and mentor innovative and emerging technologies among Startups and assist them in protecting and commercialize it by providing them access to high-quality IP services and resources.

3. SCHEME DETAILS

3.1. Both technical and financial assistance will be provided to the Start-ups to protect their proprietary technology and withstand in the competitive world.

3.2. Support will be provided for the following products:

3.2.1. Patent

3.2.2. Industry Design Patent

3.2.3. Trademark

3.2.4. Copy Right (limited to computer code)

The support will only be extended if the above application has been created for a technology-based service or product or uses technology for enhancing functionality or reach of an existing product or service.

3.3. Compensation / Reimbursement will be provided in 2 ways:

3.3.1. Utilization of IPR services defined in point 3.2 through empanelment Facilitators.

3.3.2. Reimbursement

3.3.2.1. Post Filing.

3.3.2.2. Post Grant.

4. Eligibility Criteria

4.1. The applicant should be a DPIIT registered startup and should be incorporated in Maharashtra.

4.1.1. Domestic Application – Revenue less than 1 crore

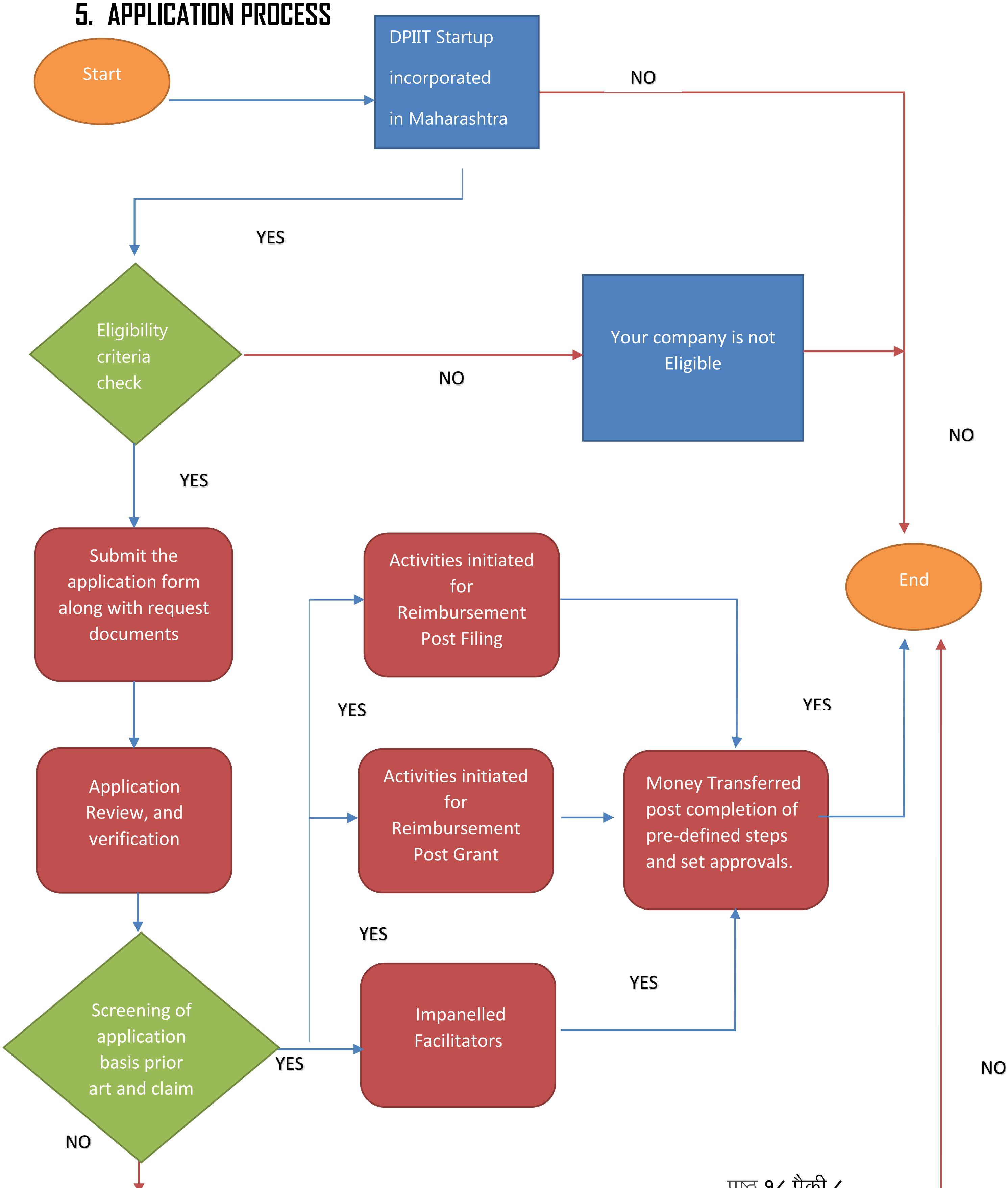
4.1.2. Foreign patent Applications– Revenue less than 5 crore

4.1.2.1. However, before proceeding with international application for multiple country filing. Necessary due diligence will be done on the total cost of filing vs startup fund reserves; to ensure that the startup has sufficient balance fund which is beyond the benefits provided through this scheme to support the application. Post satisfactory results, scheme funds will be mobilised.

4.2. The application should be filed or granted post issue of this policy.

4.3. Startups will be required to give a self-declaration that they have not availed funds under any other Government scheme for the purpose of paying the facilitator/ patent agent/ trademark agent for filing and processing their submitted IP application.

5. APPLICATION PROCESS



6. FUNDING SUPPORT

6.1. **The Funding Mechanism** will be an 80:20 model where Startup will bear 20% cost and MSInS will take care of 80% cost.

6.1.1. Maximum up to 2 lakhs will be supported for Domestic filings (per start-up covering all forms of Intellectual Property Rights)

6.1.2. Maximum up to 10 lakhs will be supported for Foreign filings (per start-up covering all forms of Intellectual Property Rights)

*** However, if the startup has raised funds above 3cr. then the Funding Mechanism will be a 50:50 model, where the Startup will bear 50% cost and MSInS will take care of 50% cost.

6.2. <u>Empanelled Facilitators Rate Card</u>

6.2.1. Filing of Domestic Patent Application

Details	**INR (Without GST)**
Official Application fees	100% as per actual
Professional fees	
Patentability Search	15000
Drafting and filing provisional	20000
Drafting and filing complete after provisional	10000
Direct drafting and filing complete	30000
Discussion· with inventor per hour at attorney's office	2500 / hr Up to 10000
Prosecution: Reply to Examination Reports and Filing the response without opposition	Up to 20000

Details	INR (Without GST)
Attending Hearing and filing the Written Submission without opposition	12000
Other Formalities (Form 4, 25,13, 9, 18)	2000 each formality

6.2.2. Filing of Foreign Patent Application

Domestic agency shall draft all the documents; and foreign agency is expected to review / amend the submitted documents (if necessary) and act as a facilitator for filing the application.

Details	Rate (INR) + GST
Official Application fees	100% as per actual
Professional fees	
Foreign agency fees	100% as per actual
Filing of a patent application in each country	20% of associate bill (max 15000) + 10000 representation charges for all formalities including preparation of all formal documents
Charges for prosecuting each application till grant of patent (without opposition)	20% of associate bill (max 15000) + 15000 for reviewing and preparing of all formal documents

Details	**Rate (INR) + GST**
Out of the pocket Expense (couriers, bank transfer fees, CA fees)	As per actual Maximum up to 15000
Offering technical opinion	As per actual Maximum up to 15000

6.2.3 Filing of PCT Application

Details	**Rate (INR) + GST**
Official Application fees	100% as per actual
Professional fees	
Extension to Domestic Preparation and filing of PCT (include all formal documents)	12000
New PCT filing (Inclusive of Search, Drafting, Filing and other formalities)	50000
Other Formalities (Article 34, 19)	15000 for each action
Other Formalities (preliminary / supplementary examination, POA, Priority documents)	3000 for each action maximum up to 9000
Filing national phase application	As indicated in 6.2.2

6.2.4 Filing of Domestic Industry Design Patent Application

Details	Rate (INR) + GST
Official Application fees	100% as per actual
Professional fees	
Application for registration in a single class with all essential form including (Form 1, Form 2 and Form 21)	10000
Applications for same design in additional classes on per class basis	4000
Appearance charges per appearance before patent office	5000
Other Formalities (Form: 3, 20, 6 ,14 and 7)	3000 each formality

6.2.5 Filing of Foreign Industry Design Patent Application

6.2.5.1 Scenario 1 – Domestic agency is acting as facilitator

Official Application fees	100% as per actual
Professional fees	
Foreign agency fees	100% as per actual

Details	Rate (INR) + GST
Filing design application in each country	20% of associate bill (max 8000) + 5000 representation charges
Charges for prosecuting each application till registration of design	20% of associate bill (max 8000) + 5000 representation charges
Out of the pocket Expense (couriers, bank transfer fees, CA fees)	As per actual Maximum up to 5000
Offering technical opinion	As per actual Maximum up to 10000

6.2.5.2 Scenario 2 – Domestic agency shall draft all the documents; and foreign agency is expected to review / amend the submitted documents (if necessary) and act as a facilitator for filing the application.

Details	Rate (INR) + GST
Official Application fees	100% as per actual
Professional fees	
Filing design application in each country	20% of associate bill (max 8000) + 15000 representation charges

Details	**Rate (INR) + GST**
Charges for prosecuting each application till registration of design	20% of associate bill (max 8000) + 10000 representation charges
Out of the pocket Expense (couriers, bank transfer fees, CA fees)	As per actual Maximum up to 5000
Offering technical opinion	As per actual Maximum up to 10000

6.2.6 Trademark Filing

Details	**Rate (INR) + GST**
Official Application fees	100% as per actual
Professional fees	
Application for registration of trademark including certification trademark	5000 for 1st class, 1000 for additional class
Request for correction of clerical error or for amendment	2500
Answering objections from the trademark office	Maximum up to 5000
Application filing in other countries	20% of associate bill (max 5000) + 5000 representation charges

6.2.6 Copyright Filing

Details	**Rate (INR) + GST**
Official Application fees	100% as per actual
Professional fees	
The application (Form XIV) including the Statement of Particulars (SoP) and the Statement of Further Particulars (SoFP)	8000
Drafting of any specific forms such as NOC	1500
Meeting objections from the Registrar, Copyright	Maximum up to 5000

6.3 Facilitator response time

Detail	Time (Days)
Search Result	30 days
Filing	30 days
Examination / Prosecution	30 days

6.4

Reimbursement Post Filing

Startup is free to work with any IP firms / agencies which are not Empanelled. The incurred filing expense will only be reimbursed, if the filing date is post issues of this policy. However, the reimbursement head will be as per actuals up to maximum of Empanelled Facilitators rate card specified in 6.2 and Funding Mechanism specified in 6.1.

6.5

Reimbursement Post Grant

Startup which has completed the Patent filing before the implementation of this policy and the patent is granted post issues of this policy is eligible to claim reimbursement of expense incurred during filing. However, the reimbursement head will be as per actuals up to maximum of Empanelled Facilitators rate card specified in 6.2 and Funding Mechanism specified in 6.1.

7. Eligibility criteria for empanelled facilitator

7.1. Any Patent Agent registered with the CGPDTM having 5+ years of experience in patent filing and is associated with a law firm that has filed minimum 200 patents.

7.2. A government department/ organization/ agency or CPSU (like TIFAC, NRDC, BIRAC, CSIR etc.) through an authorised representative.

8. Terms and condition

8.1. Unless specified otherwise, the patent shall be filed in the name of the Applicant entity and not in the name of individual inventor.

8.2. All patent application filed under this scheme will be in the name of host institution/Company and government will not have any ownership in the filed patents

8.3. The Applicant shall submit status report to MSInS as and when called for.

8.4. MSInS has the right to call for below information for the purpose of due diligence.

The Applicant shall provide prior information in the event of entering into any Agreement or arrangement with any third party, national or international on the protection and/or on alienation of the interests of the above IP,

OR

Undertaking any merger, consolidation, reorganization scheme of arrangement or compromise with its creditors or shareholders

OR

effecting any notice of winding up under the provisions of the Companies Act, 1956, or any other notice under any other Act or otherwise of any suit or other legal process intended to be filed or initiated against the Applicant and affecting the title to the properties of the Applicant

8.5. The Applicant shall notify MSInS of any material change in its incorporation status, shareholding or appointment of a receiver for any of its properties

8.6. MSInS shall reserve the right to reconsider further funding assistance and/or consider the mode of Benefit Sharing in such circumstances of change of control stated under the preceding sub-clauses 8.4 and 8.5

8.7. This Scheme will not support post grant stage. The cost of patent maintenance etc. will be borne by the startup.

8.8. During any phase of the filing, opposition prosecution cost will be borne by the startup.

8.9. For international filing the domestic agency is expected to ensure that the foreign agency avoid delicacy of work.

8.10. In case of any deceive practice, MSInS can take appropriate action